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their submissions, and ****BEGIN CONFIDENTIAL**** [REDACTED]

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Nor was there any reason for the FoNPAC or the NANC to question Telcordia's ability to meet the commitments made in its bid. Telcordia is actively involved in number portability and has developed large-scale software services to support Number Portability around the world. As Neustar admits in its comments, ****BEGIN HIGHLY CONFIDENTIAL**** [REDACTED]

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Further, Telcordia recognizes the importance of disaster preparedness and ****BEGIN CONFIDENTIAL**** [REDACTED]

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²⁷¹ Neustar Comments at 88-89.

²⁷² See, e.g., Telcordia Bid, RFP, Attachment to Question 15.1 § 2.2.1.1 at 15-18 (Telcordia00251-Telcordia00254); *id.*, App. B at 87-93 (Telcordia00323-Telcordia00329).

²⁷³ See, e.g., *id.*, TRD, Attachment to Question 12.1 § 4.1 at 12 (Telcordia08090-Telcordia08094).

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The next LNPA, of course, will complete testing to validate quality of service. The testing, whether already in place or new testing, necessarily will be worked out with the industry.

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c. IP Transition Issues.

Neustar also attempts to invoke uncertainty around the IP Transition as an additional reason to second-guess the NANC's recommendation. This argument is also meritless. The LNPA elected by the Commission will have to conform to the industry solution for the IP Transition. That solution is yet to be settled.²⁷⁴ This proceeding, in particular requirements in the RFP, is not the appropriate forum to resolve this issue or attempt to create an industry

²⁷⁴ See, e.g., *id.*, RFP, Attachment to Question 12.3 at 12-16 (Telcordia00147-Telcordia00155).

²⁷⁵ *Id.*

²⁷⁶ Telcordia Bid, RFP, Attachment to Question 12.3 at 20 § 2.3.6.

²⁷⁷ *Id.*

²⁷⁸ See Neustar Declaratory-Ruling Petition at 18 (note in Petition of Neustar for Declaratory Ruling Concerning The Local Number Portability Administration Selection Process, CC Docket No. 95-116 and WC Docket No. 09-109 (filed Feb. 12, 2014)).

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standard.²⁷⁹ As USTA and CTIA explained in their reply comments, “No party or commenter . . . has shown that the LNPA proceeding must be effectively suspended while the complex issues surrounding the IP transition play out.”²⁸⁰

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[REDACTED] ****END CONFIDENTIAL**** the RFP, which required bidders to commit to the IP Transition as a requirement for the LNPA.²⁸¹ Section 7 of the RFP also required bidders to address the future evolution of the NPAC.²⁸² The RFP, however, appropriately did not set specific requirement for the IP Transition given the lack of a settled standard architecture and industry agreement. Neustar and Telcordia, given the uncertainty, are in a similar position to deal with the final decision.

Neustar criticizes Telcordia based on Ericsson “advocating in industry forums solutions that forgo use of the NPAC.”²⁸³ The statement misrepresents Telcordia’s actions. Telcordia is not advocating against the NPAC as part of an IP-transition architecture. It has provided industry contributions that outline various alternatives to the NPAC *at the express request of carriers* so that the industry can make a more informed decision about the proper direction.

²⁷⁹ *Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; Connect America Fund; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Numbering Policies for Modern Communications, Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, FCC 14-5. 29 FCC Rcd. 1433 (2014) (“Transition Order”).*

²⁸⁰ USTA/CTIA Reply Comments at 10.

²⁸¹ See RFP §§ 7.3, 12.3.

²⁸² RFP § 7.3.

²⁸³ Neustar Comments at 90.

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Neustar is well aware that the contributions have been made under those circumstances. It is also inappropriate to refer to the alternatives as Telcordia's or Ericsson's proprietary solutions.

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CONFIDENTIAL** Telcordia's industry contributions have been evenhanded, addressing the benefits and weaknesses of any given architecture, and the industry community has been very receptive and appreciative of that transparency.²⁸⁵

Neustar states that it "provides universally accessible means for providers to exchange authoritative routing information from their next generation networks" and "[t]oday, supported by Neustar as the LNPA, service providers have already begun trialing solutions... to provide this function."²⁸⁶ Neustar, however, fails to provide significant facts regarding this proposed solution. The IP fields in the NPAC that Neustar advocates using are free format data fields that could contain any data imagined. Very few service providers utilize these fields. And very few gateway vendors have implemented the fields in their systems. Neustar's proposed use of these fields would require that NPAC become a repository for all numbers in the North American

²⁸⁴ See, e.g., iconectiv, *Utilization of Existing Industry Database Systems for the exchange of data to support Routing of E.164 Addressed Communications over IP Network-to-Network Interconnection (NNI)*, contribution to ATIS-SIP Forum IP-NNI Task Force forum (2012); iconectiv, *Utilization of the LERG™ Routing Guide as a Tier 1 ENUM Registry for Data Exchange to enable routing of E.164 Addressed Communications over an Internet Protocol (IP) Network-to-Network Interconnection (NNI)*, contribution to ATIS-SIP Forum IP-NNI Task Force forum (2014); inconnectiv, *Utilization of ENUM for exchange of data to support routing of E.164 Addressed Communications over IP Network-to-Network Interconnection (NNI)*, contribution to ATIS-SIP Forum IP-NNI Task Force forum (2014).

²⁸⁵ *Id.*

²⁸⁶ Neustar Comments at 90.

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Numbering Plan and no longer serve as the exception database that it has been designed to be. This fundamental change in the purpose of the NPAC is a very significant step for the industry and should be made under more transparent circumstances with complete disclosure.

Neustar also implies that there will be no increased costs from its proposal.²⁸⁷ This is incorrect. There will be increased costs in the carrier networks, if not from NPAC itself, as local systems require upgrades and very likely increased capacity as part of this architecture Neustar advocates in its comments.

Telcordia is actively involved in industry forums and fully committed to contributing its expertise and assets in whatever fashion the industry ultimately deems necessary.²⁸⁸ By contrast, Neustar has not submitted any technical contributions in the industry forums and is not significantly engaged in any contribution other than one document that focusses on NPAC. The industry, ****BEGIN CONFIDENTIAL**** [REDACTED]

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D. Reliance on the Selection Reports Does Not Create a Delegation Problem.

Neustar argues that the Commission cannot delegate the choice of LNPA to the NANC.²⁸⁹ To the extent Neustar is correct, its argument has no relevance here. The Commission is authorized to “create or designate one or more impartial entities to administer

²⁸⁷ See *id.*

²⁸⁸ Telcordia is involved in the NANC, FoN, ATIS PTSC and the joint ATIS/SIP Forum IP NNI taskforce. Telcordia is also co-Chair of the ATIS TOPS IP Service Interconnection Focus Group, which is evaluating the obstacles to true end-to-end rich IP services beyond basic voice.

²⁸⁹ Neustar Comments at 63-64.

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telecommunications numbering and to make such numbers available on an equitable basis.”²⁹⁰

The Commission permissibly delegated this authority to the Wireline Competition Bureau pursuant to 47 C.F.R. § 0.91. The Bureau then delegated to the NANC the role of recommending, *not ultimately choosing*, a new LNPA.²⁹¹ Indeed, the Commission specifically reserved for itself the ultimate choice of LNPA²⁹² following its own review of the record.

Regardless of whether the Commission could lawfully delegate the ultimate selection of the LNPA pursuant to Section 251(e), the Commission made clear in the June 9, 2014 Public Notice that it was not doing so, and that, consistent with the Bureau’s May 2011 selection process order, it would make its own determination, taking into account the NANC’s recommendation and the full record, of who the LNPA should be.²⁹³ Specifically, in its 2014 Public Notice, the Commission referenced the record the NANC forwarded that included the

²⁹⁰ 47 U.S.C. § 251(e)(1).

²⁹¹ *March 2011 Order*, 26 FCC Rcd. at 3685, ¶ 1.

²⁹² *Id.* at 3688, ¶ 9.

²⁹³ *See June 2014 Public Notice*; *see also March 2011 Order*, 26 FCC Rcd. at 3688 ¶ 9 (“Once the NANC/NAPM submits its bidder recommendations, the Commission—or Bureau acting on delegated authority—will select the vendor(s) to serve as the LNPA(s).”); *May 2011 Order*, 26 FCC Rcd. at 6844, ¶ 19 (“As noted in our [March] order, the Commission or the Bureau, acting on delegated authority, must review and approve the procurement process, including the procurement documents, and make a final decision about the contract award.”).

It is also noteworthy that Neustar appears to have completely changed its view of the Commission’s ability to delegate under Section 251(e). In this very proceeding, Neustar has previously advised the Commission that the Commission had properly delegated to NAPM the authority to extend the current LNPA contract without further Commission involvement. *See Opposition of Neustar, Inc.*, at 18-22, WCB Docket No. 09-109 (filed Sept. 8, 2009) (“[T]here is simply no basis on which to conclude that Commission approval was required for the NAPM LLC to negotiate [Amendment 70] to reduce the industry’s costs. . . . Thus, the decision to adopt Amendment 70 plainly fell within the NAPM LLC’s authority as envisioned by the Commission.”). This is yet another example of Neustar changing a position midstream once it realized it might not remain the LNPA.

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NANC recommendation, “reports from the NANC’s LNPA Selection Working Group (SWG) and the North American Portability Management LLC’s (NAPM’s) Future of Number Portability Administration Center (FoNPAC).”²⁹⁴ The Public Notice further noted that the record it generated “will be taken into account as the full Commission considers this matter, including resolving the procedural arguments raised in the record to date and ultimately identifying the vendor that will serve as the LNPA in a cost-effective, neutral and secure fashion.”²⁹⁵ And in addition, the Commission noted it would review the bid documents submitted by the vendors and transcripts of meetings between FoNPAC and the vendors.²⁹⁶

It is thus clear that the Commission is not looking to apply a “rubber stamp,” as Neustar baselessly argues.²⁹⁷ The Commission did precisely what the law permits—“enlist[] a Federal Advisory Committee or other advisory body to assist with evaluation and provide a recommendation,”²⁹⁸ while reserving the ultimate, considered decision for itself. There is no delegation problem here when the Commission reviews the NANC recommendation as part of its decisionmaking process to select the next LNPA. And given the full record the Commission has already said it would review in conjunction with the NANC recommendation, there is no justification for Neustar’s fear of supposed “black box” decisionmaking.²⁹⁹

²⁹⁴ *June 2014 Public Notice*, at 1.

²⁹⁵ *Id.* at 2.

²⁹⁶ *Id.*

²⁹⁷ Neustar Comments at 64.

²⁹⁸ *Id.* (conceding that the Commission may authorize the NANC to evaluate the bids and provide a recommendation).

²⁹⁹ *Id.* at 76-77.

E. The Commission May and Should Give the NANC Recommendation Substantial Weight.

While the Commission has not delegated its final selection authority to the NANC, it can and should give the recommendation substantial weight. As the Commission has previously recognized, “[t]he NANC represents a broad cross section of carriers with interests in numbering and number portability issues and has developed substantial expertise while formulating its recommendations regarding number portability implementation.”³⁰⁰ Similarly, the NAPM—whose work the NANC was asked to review—is “the entity with the greatest expertise regarding the structure and operation of the database for its region.”³⁰¹ Because the Commission asked these expert groups—representatives of the entities that have the most at stake from the LNPA selection—to undertake the initial extensive review of the bids and because the NANC and the FoNPAC painstakingly performed this duty over the course of several years,³⁰² it is reasonable for the Commission to afford substantial weight to NANC’s and FoNPAC’s recommendation, as it has with NANC recommendations for past numbering administrators. Moreover, affording substantial weight to the NANC recommendation does not result in a *de facto* delegation, especially in a situation like this where the Commission has specifically retained final authority

³⁰⁰ *Telephone Number Portability*, Second Report and Order, FCC 97-289, 12 FCC Rcd. 12,281, 12,351-52 ¶ 129 (1997).

³⁰¹ *Id.*, 12 FCC Rcd. at 12,346 ¶ 117.

³⁰² See USTA/CTIA Comments at 13-15 (enumerating 24 specific “Herculean efforts” done by NANC and NAPM in this proceeding).

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over the LNPA decision,³⁰³ and where the Commission has said it will review materials outside the recommendation in making its independent decision.

Tellingly, *Neustar agreed*, at least until it began to suspect it might not be awarded the contract. Indeed, Neustar has informed the Commission several times over the course of this proceeding that, among other things, (1) “NAPM, subject to the supervision of NANC, has exactly the right incentives to design an RFP process and select an LNPA in a manner that will best serve the public interest and consumers”³⁰⁴; (2) the LNPA services market is competitive, the NAPM includes the “industry’s most sophisticated purchasers,” and that “deference to industry judgment makes sense, more so today than ever”³⁰⁵; and (3) “[i]n fact, the NPAC contract is between the LNPA and the NAPM LLC, and the database is entirely funded through fees paid by telecommunications and interconnected VoIP service providers. All of these service providers are eligible to become members of the NAPM LLC. Indeed, the entities that pay the vast bulk of the NPAC’s costs are represented through NAPM LLC membership, creating a significant incentive for the NAPM LLC to ensure that the NPAC is run as efficiently and pro-competitively as possible.”³⁰⁶ It is thus deeply cynical for Neustar now, after extolling NAPM’s virtues for years, to complain that the Commission should not afford great weight to the NANC recommendation that was reached based on NAPM’s own recommendation.

³⁰³ See, e.g., *Nat’l Park & Conservation Ass’n v. Stanton*, 54 F. Supp. 2d 7, 19 (D.D.C. 1999); see also *R. H. Johnson & Co. v. Sec. & Exch. Comm’n*, 198 F.2d 690, 695 (2d Cir. 1952).

³⁰⁴ Letter from Aaron Panner, Counsel for Neustar, Inc., to Marlene H. Dortch, Secretary, FCC, at 1, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109 (Mar. 28, 2012).

³⁰⁵ Neustar Mar. 9, 2012 Letter, Attachment at 5, 2.

³⁰⁶ Neustar Mar. 29, 2011 Reply Comments at 3.

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Given the makeup of the NANC and the collaborative, participatory process that led its recommendation, Neustar's current concerns are easily brushed aside. Specifically, the NANC and its subgroups are intimately involved in the administration of, and its members have experts of in, number portability. Further, the NANC and NAPM have a significant stake in the reliable operation of the NPAC/SMS, and their industry members compete with one another vigorously and thus have a substantial interest in impartial local number portability administration. And importantly, the NANC and NAPM members will bear the substantial majority of the direct and indirect costs of transitioning to a new LNPA. It is thus clear that, the parties for whom Neustar now claims to speak were involved from the beginning in the NANC recommendation and devoted substantial time and resources to analyzing the bids. It is unreasonable now to argue those parties acted against their own or the industry's interests. Indeed, in considering the NANC's recommendation, the Commission should note that:

- The NANC is its longstanding and balanced industry advisory committee on numbering issues,
- The NANC and its subgroups are intimately involved in the administration of number portability,
- The NANC and its subgroups, with Commission oversight, define the local number portability requirements and processes,
- The NANC and NAPM members have expertise in number portability,
- The NANC and NAPM members have a major stake in the reliable operation of the NPAC/SMS,
- The NANC and NAPM industry members compete with one another vigorously, and thus have a substantial interest in impartial local number portability administration,
- The NANC and NAPM members will bear the substantial majority of the direct and indirect costs of the next LNPA, including the costs of transitioning to a new LNPA, and

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- The NANC and NAPM members invested significant time and resources in evaluating the competing bids.

If anything, here industry and affected parties spoke with a clear voice: the recommendation received a true hallmark of industry-wide support—the vote was unanimous with one abstention.³⁰⁷ When industry and affected parties find a way to speak in a clear, unequivocal way, the Commission ought to listen.

IV. NEUSTAR'S CRIES OF ALARM OVER TELCORDIA'S TRANSITION PLAN ARE, IN REALITY, NOTHING MORE THAN A CONTINUATION OF ITS TIRED FEAR-MONGERING CAMPAIGN.

Neustar argues that Telcordia's transition plan is inadequate and predicts grave consequences for the future of number porting. The Commission need not and should not give that overblown prediction any weight. In the first instance, both the NAPM and the NANC SWG scrutinized Telcordia's transition plan. Neustar attempts to brush this off, but the fact that both of these expert entities—with substantial operational expertise and stake in the effective operation of number portability—concluded that a transition ****BEGIN CONFIDENTIAL**** [REDACTED] ****END CONFIDENTIAL**** is significant and entitled to substantial weight.³⁰⁸ The industry has no incentive to have a failed transition. To the contrary, if the transition fails, the industry will have to extend the current contract beyond any extension that might occur in the process of carrying out the transition, at a substantial cost above what it could achieve through a successful transition.³⁰⁹ Neustar asks the Commission to indulge its tale

³⁰⁷ *June 2014 Public Notice* at 1.

³⁰⁸ FoNPAC Selection Report at 12; SWG Selection Report at 4.

³⁰⁹ It bears emphasis that there is no reason to believe there would be any consumer impact or disruption of 911 services from the transition. *See Reply Comments of the Public Utility*

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that the industry members—who both utilize and pay the costs of local number portability—cavalierly ignored or underestimated transition risks. Nothing supports Neustar's view: to the contrary, the NANC and NAPM concluded that a ****BEGIN CONFIDENTIAL**** [REDACTED]

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A. The NANC and NAPM Were Not Ignorant of the Transition Risks that Neustar Presents Again Here.

The NANC and NAPM did not assess transition risks in a vacuum. In fact, Neustar put substantially the same arguments that it now presents to the Commission into its documents supporting its bid. For example:

- Neustar alleged that an industry-wide transition would entail enormous costs of financial risk—claiming, based on the Singer study, that they could reach \$719 million in the first year, including from failed calls and texts, delayed or lost subscriber revenue, blocked access to numbering resources, inability to complete mergers and acquisitions, technology migrations and customer launches, stalled innovation, delayed emergency preparedness and loss of consumer confidence in number portability.³¹⁰
- Neustar made claims that the U.S. database is unique, with no comparable system in the world,³¹¹ and administering India's, or any other, LNPA database had no bearing on the ability to administer the US database because the U.S. database is superior to India's.³¹²

Division of the Oklahoma Corporation Commission at 2-4, WC Docket No. 09-109 and CC Docket No. 95-116 (filed Aug. 8, 2014).

³¹⁰ Neustar Bid, Technical Factors Part 1 § 1.0 at 1.0-9 (Document No. 2 of Neustar production); *id.*, Technical Factors Part 2 § 1.6 at 1.6-1 (Document No. 3 of Neustar production); *id.*, BAFO Question 1 at 1, 7, 11-12 (Document No. 23 of Neustar production).

³¹¹ *Id.*, Management Factors § 2.4 at 2.4-2 (Document No. 4 of Neustar production).

³¹² *Id.*, Technical Factors Part 2 § 1.6 at 1.6-3 (Document 3 of Neustar production); Neustar Transcript at 38:17-40:14.

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- Neustar claimed that there was insufficient time to implement the transition, arguing that a fifteen month transition period was too short to complete a transition to a new vendor. Neustar estimated the transition would require at least 29 more months.³¹³ Moreover, Neustar claimed that ****BEGIN HIGHLY CONFIDENTIAL****
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- Neustar claimed the LNPA is an operation of enormous complexity, with 635 million telephone numbers and all of the associated routing, rating, and billing information, plus 1.4 million updates per day.³¹⁵
- Neustar claimed that it would be impossible for another provider to take over, because operating the NPAC is challenging enough for Neustar's engineers operating in a stable environment. Neustar even argued that it is "nearly impossible for somebody to take . . . over and . . . modify" the NPAC and "absolutely impossible for somebody to build software themselves to run this very complex system."³¹⁶
- Neustar claimed that many large enterprises are Neustar customers because of Neustar's security processes and procedures, arguing that other bidders "don't really have this kind of experience with security," whereas Neustar's security practices must constantly evolve to anticipate constantly evolving threats from attackers.³¹⁷ Neustar questioned whether FoNPAC "want[s] to let the NPAC be a training ground for some company to learn about how to do security?"³¹⁸
- Neustar explained that the NPAC is constantly evolving and improving in the services that it provides and warned against allowing new providers to use the

³¹³ Neustar Bid, BAFO Question 1 at 7-11 (Document No. 23 of Neustar production); Neustar Transcript at 54:5-54:7.

³¹⁴ Neustar Bid, BAFO Question 1 at 7 (Document No. 23 of Neustar production).

³¹⁵ Neustar Transcript at 13:11.

³¹⁶ *Id.* at 26:7-27:9

³¹⁷ *Id.* at 28:13-28:15.

³¹⁸ *Id.* at 28:11-28:12.

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NPAC as a training ground to learn about the unique services that Neustar provides.³¹⁹

- Neustar contended that, as the only company in the country that has built, deployed, and operated an LNPA, ever, it had a unique perspective, which allowed it to give FoNPAC useful information to help make a decision, including its view that converting from one database to another would be incredibly difficult.³²⁰
- Neustar raised the specter of botched transitions in the airline industry, specifically discussing in detail significant issues with United Airlines reservation system conversion.³²¹
- Neustar guaranteed that if it was retained, there would be “zero financial, operational, and strategic risk” to the industry and consumers, and it would deliver guaranteed technical and operational reliability.³²²

The NANC thus had all of Neustar’s current arguments before it during its evaluation of the bids and made its selection fully cognizant of Neustar’s Chicken Little claims.

B. The Procurement Documents Substantially Reduced the Scope of Any Transition by Not Making Any Changes in System Specifications or Data Fields, and by Requiring that the Next LNPA Use Existing Interface Specifications.

As discussed in Section III.C.2 above, the RFP required respondents to meet and maintain the existing interfaces and business rules. Thus, even after a vendor change, the interfaces between the NPAC and the gateway products on the carrier end will not change and the NPAC must support those interfaces.³²³ This means that carriers and service bureaus should

³¹⁹ *Id.*; *id.* at 30:7-30:8.

³²⁰ *Id.* at 51:13-52:7.

³²¹ *Id.* at 57:2-57:15.

³²² Neustar Bid, BAFO Question 1 § 2.1 at 1, 4 (Document No. 23 of Neustar production).

³²³ *See* Telcordia Bid, RFP, Attachment to Question § 12.3; *see also* VQS § 3.3.

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not have to change their systems, other than to point to the new LNPA. Moreover, the business rules for porting have to comply with the RFP requirements and these must be met by the LNPA, including the FCC mandated porting times. Unlike the implementation of one-day porting, the transition of the LNPA from Neustar to Telcordia does not require any changes to the database fields or the industry business processes around porting. The scope and requirements of the NPAC are well documented and understood.³²⁴

These facts minimize the transition's risk and belie the suggestion that the LNPA transition is a task of unprecedented, highly risky complexity. That conclusion is confirmed by Deloitte,³²⁵ and a study of Professor Eric Burger. As Professor Burger points out, the NPAC Change Management Agent (which is Neustar) has "fully specified the features, functionality, external interfaces[,] business rules, database schema, and data dictionary of the NPAC."³²⁶ The NPAC system, and the specifications have not materially changed and have been "running by industry for over five years."³²⁷ There is no new added functionality as part of the database

³²⁴ Eric Burger, *Issues and Analysis of a Provider Transition for the NPAC*, S²ERC TECHNICAL REPORT, at 3, 10 (July 22, 2014) ("Burger Report") (attached as Exhibit B; Report of Deloitte Consulting, LLP (Aug. 8, 2014) ("Deloitte Report") (attached as Exhibit C) (finding that "the scope and requirements are well defined and documented.").

³²⁵ Deloitte Report at 2 ("our experience suggests that the NPAC migration, if properly handled, is achievable without undue risk"); *id.* at 3 ("[G]iven our experience in large-scale IT projects, Deloitte Consulting believes that implementation and transition risk can be significantly mitigated through proper planning, executive sponsorship, quality assurance testing and project management. . . . Deloitte does not believe that the risk of transition failure for the NPAC is more significant than the risk of other comparable and notably successful system migrations.").

³²⁶ Burger Report at 8.

³²⁷ *Id.* at 9.

transition.³²⁸ The NPAC is also not in the real-time call routing path, but instead pushes data to carriers' real-time databases.³²⁹ This leads Professor Burger to conclude, "[T]his is a straightforward, low risk technology migration."³³⁰ Similarly, Deloitte observes, "Based on our understanding of the requirements of the RFP as well as our experience with IT implementations, we believe that the scope and requirements are well defined and documented. There appears to be adequate documentation available to more easily replicate the database integration points, as opposed to a 'greenfield' deployment. Further, the business rules appear to be well-defined."³³¹

This requirement's stability and lack of changes in business rules substantially distinguishes the NPAC from airline reservations systems or healthcare.gov. When United and Continental merged and attempted to merge their disparate airline reservation systems, they were also changing their business rules.³³² Healthcare.gov was a completely greenfields implementation of a new system in which the business rules and practices were just being developed. As Deloitte and Burger point out, these types of IT transitions are not comparable to the LNPA transition.³³³ Deloitte concludes that it "does not believe that the proposed project has

³²⁸ *Id.* at 9.

³²⁹ *Id.* at 5, 10.

³³⁰ *Id.* at 8.

³³¹ Deloitte Report at 3.

³³² Burger Report at 15.

³³³ *Id.* at 8, 14-15; Deloitte Report at 3 ("Deloitte Consulting does not believe that the proposed project has the same risk profile as a 'greenfield' implementation or an integration of multiple different platforms into a single IT platform.").

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the same risk profile as a ‘greenfield’ implementation or an integration of multiple different platforms into a single IT platform.”³³⁴

The Standish Group comments and blog do not lead to a different conclusion. The Standish Group based its cataclysmic predictions on generic concerns, tied to unspecific data, and does not appear to have reviewed the actual terms of the RFP and the detailed specifications Neustar produced as NPAC Change Management Agent. The Standish Group openly admits that it “[had] not been privy to evaluate [sic] [Telcordia’s] project plans and operating environment.”³³⁵ Among other things, Standish predicts high likelihood of failure in a “flash-cut switch,”³³⁶ but Telcordia has never proposed such an abrupt change at the national level.

The Singer paper, similarly, is not applicable to the transition to Telcordia because it does not account for a fully specified system like the LNPA database. The commissioned paper published by Singer developed a risk model using various metrics to discuss the potential costs of an LNPA transition, but instead of modeling a fully specified and operational system, Singer models the costs in the airline industry of taking two systems with *almost* the same data model, but with different business rules and customer applications, and attempting to merge all at once. But as Dr. Burger’s report illustrates of the airline transition, changing requirements on the fly that would negatively affect the most vocal customers, implementing a new system that more than half the agents had never used before, and migrating to a new data paradigm—all on the

³³⁴ Deloitte Report at 3.

³³⁵ Letter from James H. Johnson, Chairman of the Standish Group, to Thomas Wheeler, Chairman, FCC, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109, at 3 (July 25, 2014).

³³⁶ Neustar Comments at 92 n.280.

same day—was a recipe for disaster.³³⁷ Quite unlike the airline examples given in Neustar's papers, the LNPA transition is a well-documented, straightforward, relatively low-risk technology migration. While the Singer results may be useful for analyzing a very different type of migration, it is not at all useful for analyzing the costs of the NPAC transition to Telcordia.

Accordingly, the RFP and TRD by design limited the scope of the transition necessary to change LNPAs, thus reducing substantially the risks that the NAPM and NANC had to evaluate when considering transition risks as part of their recommendation. As Deloitte concluded, based on its experience with IT implementations, system migrations, and system enhancements across multiple industries, "the NPAC migration, if properly handled, is achievable without undue risk."³³⁸

C. The July 2015 Deadline Is a Red Herring Because the Transition Period Is a Management Issue that Will Be Addressed by the Industry and the Prevailing Bidder Post-Selection.

Neustar argues that the current schedule for the transition is too short—that it cannot be accomplished by July 2015.

That argument is a red herring with respect to selection. In the first instance, as Telcordia explained in its Transition and Implementation Plan, planning for a transition begins before the contract is awarded and continues afterward.³³⁹ Thus, there are many steps toward a transition that are already underway. Moreover, as Deloitte explains, there are opportunities to compress

³³⁷ Burger Report at 8.

³³⁸ Deloitte Report at 2.

³³⁹ Telcordia Bid, RFP, Attachment to Question 12.3 at 6 (Telcordia00141); *see also* Deloitte Report at 2 ("Deloitte Consulting views the iconectiv transition planning description to be of sufficient breadth and depth as a response to a Request for Proposal, with further detail to come in subsequent discussions as is common practice.").

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the transition schedule, but the suitability of such options will depend on joint discussions between industry and the prevailing bidder, taking into account certain risk profiles and trade-offs.³⁴⁰

Of course, it is possible that more time may be needed beyond July 1, 2015, in order to effect an orderly transition. As Deloitte states, these options should be left to “joint discussions between iconectiv and carriers, focused specifically on risk profiles and trade-offs amongst each.”³⁴¹ The existing contract provides a vehicle for these joint discussions to occur. The existing NAPM contract with Neustar gives NAPM the right to elect to extend the current contract at the current rates.³⁴² Thus, if the industry and Telcordia determine that a reasonable implementation period will extend beyond July 1, 2015, there is a vehicle to accommodate that. This is a post-selection transition management issue, not—as Neustar would suggest—a selection concern.

Notably, such an extension would not substantially alter the rationale for NAPM’s and NANC’s selection recommendations. ****BEGIN HIGHLY CONFIDENTIAL**** [REDACTED]

[REDACTED]

[REDACTED]

³⁴⁰ Deloitte Report at 2.

³⁴¹ *Id.* at 3.

³⁴² Indeed, the NAPM’s Master Agreement with Neustar allows it to extend the agreement period for up to an additional 18 months. Agreement for Number Portability Administration Center / Service Mgmt. System between Lockheed Martin IMS and Mid-Atlantic Carrier Acquisition Company, LLC, Arts. 24.2, 24.3 (“Master Agreement”). Accordingly, the timing can be extended rather than jeopardizing the success of the transition. And, as in any procurement project, the effective date can also always be equitably adjusted should such an extraordinary remedy truly become necessary.

****END HIGHLY**

CONFIDENTIAL** This incremental cost of an extension of the current agreement remains far outweighed by the savings that would be achieved by ultimately transitioning to Telcordia.

D. Telcordia's Transition Plan Is Appropriate for the Selection-Process Stage.

Finally, the level of detail contained in Telcordia's transition plan was reasonable for the selection process stage and consistent with the RFP requirements.³⁴³ Notably, Deloitte concluded that "the RFP provides sufficient information for respondents to provide information"³⁴⁴ and that "iconectiv's response addresses the core elements of transition planning, beginning with the initial scoping and requirements gathering, and ending with a complete cutover and post go-live model."³⁴⁵ Further, Deloitte concluded, "It appears that each subordinate phase addresses the major features of a large scale migration, and takes into account the particular nature of this migration."³⁴⁶

Transition and risk management planning cannot be entirely known in advance. To mitigate risks, it is necessary to approach transition planning as an organic process that continues to be refined during the implementation stage.³⁴⁷ Adoption of such an approach helps ensure continuity of services, reduces risk, and minimizes cost. As Deloitte stated, "the iconectiv transition planning description [is] of sufficient breadth and depth as a response to a Request for

³⁴³ Deloitte Report at 2.

³⁴⁴ *Id.* at 1.

³⁴⁵ *Id.*

³⁴⁶ *Id.*

³⁴⁷ Telcordia Bid, RFP, Attachment to Question 12.3 at 11-25 (Telcordia00146-Telcordia00160).

Proposal, with further detail to come in subsequent discussions as is common practice.”³⁴⁸

Telcordia will continue to work with industry to refine transition planning throughout implementation.

1. Neustar’s Argument That Telcordia Has Not Addressed Industry Coordination Ignores Its Own Obligations to Cooperate With the Transition.

Neustar argues that Telcordia has failed to account for industry coordination in its transition planning. But this ignores Neustar’s own obligation to assist in coordinating the transition.³⁴⁹ Moreover, the industry does not need Neustar to speak for it. As CTIA makes clear in its comments,³⁵⁰ the NANC—which is composed of a broad cross-section of affected industry segments including carriers—*unanimously* approved of Telcordia. The parties with the most at stake therefore have already demonstrated their confidence in Telcordia’s abilities. Indeed, the fact that the CTIA and USTA endorsed Telcordia in their comments puts the lie to any suggestion that the industry is not prepared for Telcordia to become the next LNPA.

Moreover, Neustar’s concern about resolving issues between the two LNPAs during testing, cutover, and regional handoff is misplaced.³⁵¹ Article 26.1 of the Master Agreement provides an internal dispute resolution process to handle disputes arising from the transition.³⁵²

³⁴⁸ Deloitte Report at 2.

³⁴⁹ NAPM Agreement § 24.1.

³⁵⁰ USTA/CTIA Comments at 11.

³⁵¹ Neustar Comments at 99.

³⁵² Master Agreement, Art. 26.1.

2. Telcordia's Turnup Will Not Be Haphazard.

Telcordia's plan to turn up ****BEGIN HIGHLY CONFIDENTIAL**** [REDACTED]

**** END HIGHLY**

CONFIDENTIAL** does not pose the risk Neustar claims it does. As already noted, the transition is a straightforward process³⁵³ that has been years in the planning. Telcordia's turn-up will not be haphazard. Neustar enumerates many factors that are involved in this transition—pointing providers' systems away from Neustar's database; readying initial system configurations; converting data from one database schema to another—but it fails to identify with *specificity* how a single factor will be jeopardized by Telcordia's turn-up plan. Since Telcordia's transition plan proposed to turn up ****BEGIN HIGHLY CONFIDENTIAL**** [REDACTED] ****END HIGHLY CONFIDENTIAL**** the plan included appropriate staffing and resources to conduct the necessary operations, *e.g.*, migrating all the databases, during the window.

3. Neustar's Warning About a Potential Rollback Crisis Is a Continuation of its Fear-Mongering Campaign.

Neustar's Chicken Little warning about a potential rollback crisis is nothing more than the continuation of its fear-mongering campaign. Telcordia's substantial experience implementing and delivering on NPAC business processes reduces any risk to a low level.³⁵⁴ Further, assuming that Neustar has appropriately done its job as the NPAC's Change

³⁵³ Burger Report at 8.

³⁵⁴ Burger Report at 10-13.

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Management Administrator of providing and publishing system documentation, the risk is even further reduced.

Nevertheless, Telcordia will have a contingency plan in place when it transitions to LNPA. This is a critical risk-mitigation step that addresses the possible occurrence of any problems that could affect porting after the go-live event.³⁵⁵

* * *

In sum, none of Neustar's contemplated transition concerns has any substance. Telcordia has provided a detailed, comprehensive transition plan that appropriately accounts for risk. Neustar's cooked-up criticism do not change the fact that Telcordia is ready to become the next LNPA.

V. TELCORDIA HAS A ROBUST SECURITY PLAN THAT CAN BE FURTHER REFINED THROUGH THE POST-AWARD IMPLEMENTATION PROCESS.

Contrary to Neustar's assertions, security was not an afterthought in the LNPA selection process. The RFP contained multiple sections related to security,³⁵⁶ and both potential vendors' bid documents contained lengthy discussions of security. Indeed, Telcordia's bid contained multiple sections devoted to security.³⁵⁷ The SWG correctly determined that Telcordia's bid

****BEGIN CONFIDENTIAL**** [REDACTED]

[REDACTED] ****END CONFIDENTIAL** **BEGIN HIGHLY**

³⁵⁵ Telcordia Bid, RFP, Attachment to Question 12.3 at 25-26 (Telcordia00160-Telcordia00161).

³⁵⁶ TRD §§ 7, 6.7, 9.20.

³⁵⁷ *E.g.* Telcordia Bid, TRD, Attachment to Question 12.1 § 8 (Telcordia08115-Telcordia08121); *id.*, RFP, Attachment to Question 15.1 § 2.4 (Telcordia00287-Telcordia00293).

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CONFIDENTIAL** [REDACTED] ****END HIGHLY CONFIDENTIAL****

****BEGIN CONFIDENTIAL**** [REDACTED]

[REDACTED] ****END CONFIDENTIAL****

In a last-ditch effort to retain its contract, Neustar nonetheless asks the Commission to discard the results of the current bidding and allow it to submit a new bid under the theory that “[t]he selection of an LNPA implicates serious national-security issues that were not addressed in the RFP process” and that the Commission should allow “candidates to compete on the relative security of their proposed systems.”³⁵⁹ There is no reason for the Commission to take such an extraordinary step at this time. Telcordia presented a proposal with robust security provisions. Telcordia is not an unknown entity: in fact, it is a highly experienced provider that has provided secure and reliable databases that lie at the core of telecommunications routing since the days when it was part of the integrated Bell System. Moreover, ****BEGIN**

CRITICAL INFRASTRUCTURE** ****BEING HIGHLY CONFIDENTIAL**** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **END HIGHLY CONFIDENTIAL**** ****END CRITICAL**

INFRASTRUCTURE** Any remaining security concerns, to the extent that they are shared by Executive Branch agencies, can and should be addressed through post-selection mitigation discussions with those agencies, with selection conditioned upon providing adequate assurances. Proceeding in this manner would allow the Commission to ensure that national

³⁵⁸ SWG Selection Report at 4.

³⁵⁹ Neustar Comments at 12.

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security concerns are fully safeguarded, while allowing the construction and testing of the new NPAC/SMS to proceed. The LNPA selection process contemplated a post-award LNPA contract negotiation with the NAPM, during which any additional security implementations could be further developed and refined.

Neustar's claim to be entitled to bid in response to enhanced security specifications is wildly disingenuous. As discussed in Section III.A, above, Neustar long ago waived any right to object to the content of the RFP when it endorsed the RFP as drafted and failed to raise these substantive concerns. Moreover, although this is not a federal procurement, by analogy federal procurement law would not compel recompetition here, but would permit future revisions to address security needs as a routine matter of contract administration.

Telcordia takes the responsibility for the security, reliability, and usability of the NPAC/SMS and the Enhanced Law Enforcement Platform³⁶⁰ extremely seriously. As with its tactics with respect to transition costs, Neustar's security arguments are boogeyman tactics, largely based on setting up and demolishing hypothesized strawmen. The reality of Telcordia's proposal and implementation are far different—and far more secure.

A. Neustar Has No Right to Recompete Over Security.

1. Neustar Waived Its Challenges to the RFP's Security Provisions.

As with the other aspects of the RFP that Neustar now finds deficient, for all the reasons addressed at length in Part II.A.2 of these comments, Neustar has waived any ability to object to the security terms of the solicitation or to use those terms to obtain yet another opportunity to

³⁶⁰ Some of the comments refer to the Enhanced Platform for Law Enforcement Agencies and Public Safety Answering Point Providers as "LEAP," which has been Neustar's name for the Enhanced Law Enforcement Platform.